FILED

JAN 28 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Juan Diego GARCIA-Lopez, Defendant.	)	Mag. Case No. '08 MJ 8080 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Deported Alien Found In the United States

The undersigned complainant being duly sworn states:

On or about January 27, 2008, within the Southern District of California, defendant Juan Diego GARCIA-Lopez, an alien, who previously had been excluded, deported or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

MICHAEL MIKUSKI
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF JANUARY 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Juan Diego GARCIA-Lopez

STATEMENT OF FACTS

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent, L. Burruel, that Juan Diego GARCIA-Lopez was found and arrested on January 27, 2008, in Brawley, California.

On January 27, 2008, at approximately 9:30 A.M., Agent Burruel encountered an individual in Brawley, California. Agent Burruel identified himself and questioned the individual as to his right to be in the United States. The individual identified himself to Agent Burruel as Juan Diego GARCIA-Lopez. GARCIA told Agent Burruel he is a native and citizen of Mexico illegally in the United States.

Records check disclosed GARCIA was ordered removed from the United States on June 15, 1993. GARCIA is currently on supervised release using the alias of Jose LOPEZ-Torres. GARCIA has an extensive criminal and immigration history.

Agent D. Zapien read GARCIA his rights and GARCIA stated he understood his rights and was willing to answer questions without the presence of an attorney. GARCIA stated he has not sought nor has he received permission to re-enter the United States from the Attorney General or his designee. GARCIA admitted previously being deported to Mexico.